

REMARKS

This is in response to the Final Office Action mailed on August 21, 2007. Claims 1-19 and 21 were pending in that action. All claims were rejected. With the present response, all claims are unchanged.

Beginning on page 2 of the Office Action, claims 1-13, 15-19 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2005/0183006 (hereinafter referred to as “the Rivers-Moore reference”) in view of U.S. Patent No. 6,983,283 (hereinafter referred to as “the Sowizral reference”). Beginning on page 9 of the Office Action, claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over the Rivers-Moore reference in combination with the Sowizral and also in combination with U.S. Patent No. 5,835,712 (hereinafter referred to as “the DuFresne reference”).

Applicant would like to remind the Examiner about 35 U.S.C. §103(c). This statute states that: “subject matter developed by another person, which qualifies as prior art only under one or more of sections (e), (f), and (g) of Section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person”.

It is respectfully submitted that the Rivers-Moore reference should be disqualified as being used as part of the Examiner’s rejection 35 U.S.C. §103(a). The Rivers-Moore reference is indeed subject matter developed by another person. Further, it qualifies as prior art only under subsection (e) of section 102. Notably, the publication date associated with the Rivers-Moore reference is August 18, 2005, which is well after the filing date of the present application (March 23, 2004). The Rivers-Moore publication is not prior art under 35 U.S.C. §102(a) or (b).

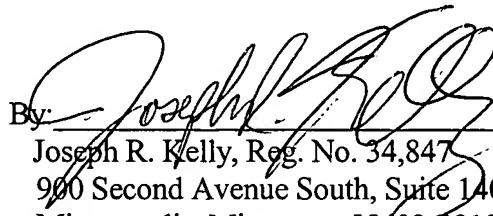
Applicant hereby declares that the subject of the Rivers-Moore reference and the claimed invention were, at the time the invention was made, subject to an obligation of assignment to the same entity. Rights associated with the present application have been assigned to Microsoft Corporation. At the time the present invention was made, rights associated with the subject matter of the Rivers-Moore reference were also assigned to Microsoft Corporation. As at least some evidence of this, Applicant invites the Examiner to review the assignment recorded at

Reel 015005 and Frame 0887. This is a recordal of an assignment of rights associated with the Rivers-Moore reference to Microsoft Corporation.

Accordingly, it is respectfully requested that the Rivers-Moore reference cannot be utilized as prior art under 35 U.S.C. §103(a). Without this reference, the Examiner's rejections are unsupported. Accordingly, it is respectfully submitted that all claims are now in condition for allowance. Favorable action is respectfully requested. The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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